
HOUSE BILL No. 1142

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-16.

Synopsis: Child support payments. Provides that a court may permit child support payments to be made directly to the person entitled to receive payments if the court finds that the person entitled to receive payments and the payor agree that support payments should be made directly to the person entitled to receive payments. Prohibits the clerk of the circuit court or the state central collection unit from charging any fees for any services concerning child support. Makes a technical correction.

Effective: July 1, 2009.

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January 12, 2009, read first time and referred to Committee on Family, Children and Human Affairs.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1142

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-16-6-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) In an action for
3 dissolution of marriage under IC 31-15-2, legal separation under
4 IC 31-15-3, or child support under IC 31-16-2, the court may order
5 either parent or both parents to pay any amount reasonable for support
6 of a child, without regard to marital misconduct, after considering all
7 relevant factors, including:

8 (1) the financial resources of the custodial parent;

9 (2) the standard of living the child would have enjoyed if:

10 (A) the marriage had not been dissolved; or

11 (B) the separation had not been ordered;

12 (3) the physical or mental condition of the child and the child's
13 educational needs; and

14 (4) the financial resources and needs of the noncustodial parent.

15 (b) **This subsection does not apply to a person who is entitled to**
16 **receive payments that are paid directly to the person under**
17 **IC 31-16-9-1(d).** The court shall order a custodial parent or third party

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under IC 31-16-10-1 who receives child support to obtain an account at a financial institution unless:

- (1) the custodial parent or third party files a written objection before a child support order is issued; and
- (2) the court finds that good cause exists to exempt the custodial parent or third party from the account requirement.

A custodial parent or third party ordered to obtain an account shall provide the clerk of the circuit court or other person or entity acting as assignee or trustee for remittance with an account number and any other information necessary to transfer funds to the account.

(c) In accordance with its policies, a financial institution may restrict or deny services to a person ordered to obtain an account under this section.

(d) This section may not be construed to require the clerk of the circuit court to remit child support payments by electronic funds transfer.

SECTION 2. IC 31-16-9-1, AS AMENDED BY P.L.3-2008, SECTION 231, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This subsection applies before January 1, 2007. Upon entering an order for support in:

- (1) a dissolution of marriage decree under IC 31-15-2;
- (2) a legal separation decree under IC 31-15-3; or
- (3) a child support decree under IC 31-16-2;

the court shall require that support payments be made through the clerk of the circuit court as trustee for remittance to the person entitled to receive payments, unless the court has reasonable grounds for providing or approving another method of payment.

(b) Beginning January 1, 2007, except as provided in subsection (c) **or (d)**, upon entering an order for support in:

- (1) a dissolution of marriage decree under IC 31-15-2;
- (2) a legal separation decree under IC 31-15-3; or
- (3) a child support decree under IC 31-16-2;

the court shall require that support payments be made through the clerk of the circuit court or the state central collection unit established by ~~IC 31-33-1.5-8~~, **IC 31-25-3-1**, as trustee for remittance to the person entitled to receive payments, unless the court has reasonable grounds for providing or approving another method of payment.

(c) Beginning January 1, 2007, **except as provided in subsection (d)**, child support payments that are paid in cash must be paid to a clerk of the circuit court, and all noncash payments must be paid to the state central collection unit established within the child support bureau by IC 31-25-3-1.

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1 (d) The court may permit child support payments to be made
2 directly to the person entitled to receive child support payments if
3 the court finds that the:

4 (1) person entitled to receive payments; and

5 (2) payor;

6 agree that support payments should be made directly to the person
7 entitled to receive payments.

8 (e) If the court permits child support payments to be made
9 directly to the person entitled to receive payments under subsection
10 (d), neither the person paying the payments nor the person entitled
11 to receive payments may be charged any fee by the clerk of the
12 circuit court or the state central collection unit for any services
13 concerning child support.

14 (f) If the court permits child support payments to be made
15 directly to the person entitled to receive child support payments
16 under subsection (d), the:

17 (1) person entitled to receive payments; or

18 (2) payor;

19 may petition the court to order the payor to make child support
20 payments through the clerk of the circuit court or the state central
21 collection unit.

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